

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Michael S. Murley, Thomas G. Price, Kenneth M. McDonald,
Stanley J. Dee and Linda S. Ball

Title : Unobtrusive Point-in-Time Consistent Copies

Serial No. : Unknown

Docket : 149-0166US

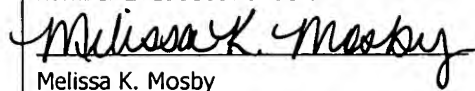
Filed : Herewith

Client Ref: 03-009-US

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING (37 C.F.R. 1.10)

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Melissa K. Mosby

DECLARATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below, next to my name.

I believe I am an original, first, and joint inventor of the subject matter which is claimed and for which a patent is sought on the above identified invention, the specification of which is attached hereto.

I hereby state that I have reviewed and understand the contents of the above-identified application, including the claims.

I do not know and do not believe that the claimed invention was ever known or used in the United States of America before my invention thereof, or patented or described in any printed publication in any country before my invention thereof or more than one year prior to this application, that the same was not in public use or on sale in the United States of America more than one year prior to this application, and that the invention has not been patented or made the subject of an inventor's certificate Issued before the date of this application in any country foreign to the United States of America on an

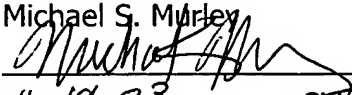
application filed by me or my legal representatives or assigns more than twelve months prior to this application.

I acknowledge the duty to disclose all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

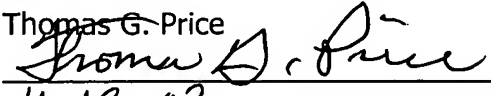
Send correspondence to Coe F. Miles of Wong, Cabello, Lutsch, Rutherford & Brucculeri, L.L.P. (**Customer Number 29855**), 20333 SH 249 Suite 600, Houston, Texas 77070 and direct telephone calls to Coe F. Miles at (832) 446-2418.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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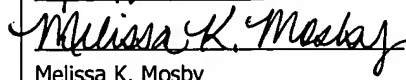
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11/25/2003



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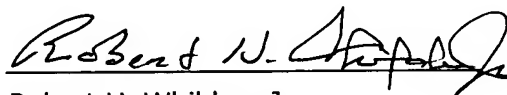
POWER OF ATTORNEY

As the Assignee of record of the entire interest in the above application, I hereby appoint the practitioners at Wong, Cabello, Lutsch, Rutherford & Brucculeri, L.L.P. (**Customer No. 29855**) as my attorneys and agents to prosecute the above identified application, to transact all business in the Patent and Trademark Office, or the Courts, in connection therewith. In addition, please assign: (1) the correspondence address to that associated with Customer No. 29855; (2) the fee address to that associated with Customer No. 29855; and (3) the attorney's docket-number for this matter to 149-0166US.

No fee is believed due for submission of this paper. If this belief is incorrect, the Commissioner is authorized to charge any required fees to Deposit Account 501922/149-0166US.

Nov. 19, 2003

Date



Robert H. Whilden, Jr.

Senior Vice President, General Counsel & Secretary
BMC Software, Inc.